

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSEPH KINARD,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

10-cv-358-wmc

Petitioner Joseph Kinard, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. This court's review of the petition, however, reveals that Kinard is not actually seeking to challenge his federal custody under 28 U.S.C. § 2241. Rather, he seeks to appeal a decision by the United States Court of Appeals for the District of Columbia Circuit, which affirmed the United States District Court for the District of Columbia's decision dismissing a prior petition for a writ of habeas corpus. Because this court lacks jurisdiction over an appeal from a decision by a United States Court of Appeals, the petition will be denied.

A decision by a federal appellate court may be reviewed by the United States Supreme Court by filing a petition for a writ of certiorari pursuant to 18 U.S.C. § 1254. Kinard already pursued this remedy and his petition for a writ of certiorari was denied.

To the extent Kinard seeks reconsideration of the decisions by the United States District Court for the District of Columbia or the United States Court of Appeals for the District of Columbia Circuit, he must seek his relief from those courts. This court not only lacks jurisdiction to address his petition, but Kinard is precluded from relitigating the issues addressed and decided by those courts, except by seeking reconsideration and direct appeal.

ORDER

IT IS ORDERED that:

1. Joseph Kinard's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED for lack of jurisdiction.
2. The clerk of court is directed to close this case.

Entered August 30, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge